

In re) Fair Hearing No. 20,414
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Appeal of)

The petitioner appealed a decision of the Department for Children and Families, Health Access Eligibility Unit (HEAU) denying her continuing eligibility for Vermont Health Access Program (VHAP) benefits. The issue is whether the petitioner's income exceeds the program maximum.

1. The petitioner lives with her fifteen-year-old son.¹ The petitioner had received a raise from her employer causing her to become over-income for the VHAP program.

2. At the hearing held on July 26, 2006, the petitioner did not dispute the Department's determination that her countable income was \$2,064.00 per month, which is in excess of the VHAP maximum of \$2,043.00 per month for a two person household with minor children.

¹The son receives Dr. Dynasaur benefits.

3. The petitioner was advised to immediately reapply for VHAP if her household's income falls beneath the above monthly program maximum.

ORDER

The Department's decision is affirmed.

REASONS

Under the VHAP regulations, all earned income, except for a \$90.00 disregard is included as countable income for eligibility. W.A.M. § 4001.81(c) and (e). There is no dispute that as of the date of her recertification and hearing that the petitioner had countable income in excess of the maximum for eligibility under the VHAP program for a two person household with minor children which is \$2,043.00. P-2420B. In conclusion, the Department's finding that petitioner is ineligible for VHAP based on a change in her countable income must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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